



General Assembly

**Substitute Bill No. 1033**

January Session, 2005

\* SB01033PS\_JUD031705 \*

**AN ACT CONCERNING SPECIAL POLICEMEN IN THE SPECIAL INVESTIGATION SECTION OF THE DEPARTMENT OF REVENUE SERVICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 53a-19 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (b) Notwithstanding the provisions of subsection (a) of this section,  
5 a person is not justified in using deadly physical force upon another  
6 person if he knows that he can avoid the necessity of using such force  
7 with complete safety (1) by retreating, except that the actor shall not be  
8 required to retreat if he is in his dwelling, as defined in section 53a-100,  
9 or place of work and was not the initial aggressor, or if he is a peace  
10 officer or a special policeman appointed under section 29-18b or a  
11 private person assisting such peace officer or special policeman at his  
12 direction, and acting pursuant to section 53a-22, as amended by this  
13 act, or (2) by surrendering possession of property to a person asserting  
14 a claim of right thereto, or (3) by complying with a demand that he  
15 abstain from performing an act which he is not obliged to perform.

16 Sec. 2. Section 53a-22 of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2005*):

18 (a) For purposes of this section, a reasonable belief that a person has  
19 committed an offense means a reasonable belief in facts or  
20 circumstances which if true would in law constitute an offense. If the  
21 believed facts or circumstances would not in law constitute an offense,  
22 an erroneous though not unreasonable belief that the law is otherwise  
23 does not render justifiable the use of physical force to make an arrest  
24 or to prevent an escape from custody. A peace officer, special  
25 policeman appointed under section 29-18b or an authorized official of  
26 the Department of Correction who is effecting an arrest pursuant to a  
27 warrant or preventing an escape from custody is justified in using the  
28 physical force prescribed in subsections (b) and (c) of this section  
29 unless such warrant is invalid and is known by such officer to be  
30 invalid.

31 (b) Except as provided in subsection (a) of this section, a peace  
32 officer, special policeman appointed under section 29-18b or  
33 authorized official of the Department of Correction is justified in using  
34 physical force upon another person when and to the extent that he  
35 reasonably believes such to be necessary to: (1) Effect an arrest or  
36 prevent the escape from custody of a person whom he reasonably  
37 believes to have committed an offense, unless he knows that the arrest  
38 or custody is unauthorized; or (2) defend himself or a third person  
39 from the use or imminent use of physical force while effecting or  
40 attempting to effect an arrest or while preventing or attempting to  
41 prevent an escape.

42 (c) A peace officer, special policeman appointed under section 29-  
43 18b or authorized official of the Department of Correction is justified in  
44 using deadly physical force upon another person for the purposes  
45 specified in subsection (b) of this section only when he reasonably  
46 believes such to be necessary to: (1) Defend himself or a third person  
47 from the use or imminent use of deadly physical force; or (2) effect an  
48 arrest or prevent the escape from custody of a person whom he  
49 reasonably believes has committed or attempted to commit a felony  
50 which involved the infliction or threatened infliction of serious  
51 physical injury and if, where feasible, he has given warning of his

52 intent to use deadly physical force.

53 (d) Except as provided in subsection (e) of this section, a person who  
54 has been directed by a peace officer, special policeman appointed  
55 under section 29-18b or authorized official of the Department of  
56 Correction to assist such peace officer, special policeman or official to  
57 effect an arrest or to prevent an escape from custody is justified in  
58 using reasonable physical force when and to the extent that he  
59 reasonably believes such to be necessary to carry out such peace  
60 officer's, special policeman's or official's direction.

61 (e) A person who has been directed to assist a peace officer, special  
62 policeman appointed under section 29-18b or authorized official of the  
63 Department of Correction under circumstances specified in subsection  
64 (d) of this section may use deadly physical force to effect an arrest or to  
65 prevent an escape from custody only when: (1) He reasonably believes  
66 such to be necessary to defend himself or a third person from what he  
67 reasonably believes to be the use or imminent use of deadly physical  
68 force; or (2) he is directed or authorized by such peace officer, special  
69 policeman or official to use deadly physical force, unless he knows that  
70 the peace officer, special policeman or official himself is not authorized  
71 to use deadly physical force under the circumstances.

72 (f) A private person acting on his own account is justified in using  
73 reasonable physical force upon another person when and to the extent  
74 that he reasonably believes such to be necessary to effect an arrest or to  
75 prevent the escape from custody of an arrested person whom he  
76 reasonably believes to have committed an offense and who in fact has  
77 committed such offense; but he is not justified in using deadly physical  
78 force in such circumstances, except in defense of person as prescribed  
79 in section 53a-19.

80 Sec. 3. Section 53a-23 of the general statutes is repealed and the  
81 following is substituted in lieu thereof (*Effective October 1, 2005*):

82 A person is not justified in using physical force to resist an arrest by  
83 a reasonably identifiable peace officer or special policeman appointed

84 under section 29-18b, whether such arrest is legal or illegal.

85 Sec. 4. Subsection (a) of section 53a-167a of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective*  
87 *October 1, 2005*):

88 (a) A person is guilty of interfering with an officer when such  
89 person obstructs, resists, hinders or endangers any peace officer,  
90 special policeman appointed under section 29-18b or firefighter in the  
91 performance of such peace officer's, special policeman's or firefighter's  
92 duties.

93 Sec. 5. Section 53a-167b of the general statutes is repealed and the  
94 following is substituted in lieu thereof (*Effective October 1, 2005*):

95 (a) A person is guilty of failure to assist a peace officer, special  
96 policeman or firefighter when, commanded by a peace officer, special  
97 policeman appointed under section 29-18b or firefighter authorized to  
98 command assistance, such person refuses to assist such peace officer,  
99 special policeman or firefighter in the execution of such peace officer's,  
100 special policeman's or firefighter's duties.

101 (b) Failure to assist a peace officer, special policeman or firefighter is  
102 a class A misdemeanor.

103 Sec. 6. Section 53a-167c of the general statutes is repealed and the  
104 following is substituted in lieu thereof (*Effective October 1, 2005*):

105 (a) A person is guilty of assault of public safety or emergency  
106 medical personnel when, with intent to prevent a reasonably  
107 identifiable peace officer, special policeman appointed under section  
108 29-18b, firefighter or employee of an emergency medical service  
109 organization, as defined in section 53a-3, emergency room physician or  
110 nurse, employee of the Department of Correction, member of the  
111 Board of Pardons and Paroles, probation officer, employee of the  
112 judicial branch assigned to provide pretrial secure detention and  
113 programming services to juveniles accused of the commission of a

114 delinquent act, employee of the Department of Children and Families  
115 assigned to provide direct services to children and youth in the care or  
116 custody of the department, employee of a municipal police department  
117 assigned to provide security at the police department's lockup and  
118 holding facility or active individual member of a volunteer canine  
119 search and rescue team, as defined in section 5-249, from performing  
120 his or her duties, and while such peace officer, special policeman,  
121 firefighter, employee, physician, nurse, member, probation officer or  
122 active individual member is acting in the performance of his or her  
123 duties, (1) such person causes physical injury to such peace officer,  
124 special policeman, firefighter, employee, physician, nurse, member,  
125 probation officer or active individual member, or (2) such person  
126 throws or hurls, or causes to be thrown or hurled, any rock, bottle, can  
127 or other article, object or missile of any kind capable of causing  
128 physical harm, damage or injury, at such peace officer, special  
129 policeman, firefighter, employee, physician, nurse, member, probation  
130 officer or active individual member, or (3) such person uses or causes  
131 to be used any mace, tear gas or any like or similar deleterious agent  
132 against such peace officer, special policeman, firefighter, employee,  
133 physician, nurse, member, probation officer or active individual  
134 member, or (4) such person throws or hurls, or causes to be thrown or  
135 hurled, any paint, dye or other like or similar staining, discoloring or  
136 coloring agent or any type of offensive or noxious liquid, agent or  
137 substance at such peace officer, special policeman, firefighter,  
138 employee, physician, nurse, member, probation officer or active  
139 individual member, or (5) such person throws or hurls, or causes to be  
140 thrown or hurled, any bodily fluid including, but not limited to, urine,  
141 feces, blood or saliva at such peace officer, special policeman,  
142 firefighter, employee, physician, nurse, member, probation officer or  
143 active individual member.

144 (b) Assault of public safety or emergency medical personnel is a  
145 class C felony. If any person who is confined in an institution or facility  
146 of the Department of Correction is sentenced to a term of  
147 imprisonment for assault of an employee of the Department of

148 Correction under this section, such term shall run consecutively to the  
149 term for which the person was serving at the time of the assault.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	53a-19(b)
Sec. 2	<i>October 1, 2005</i>	53a-22
Sec. 3	<i>October 1, 2005</i>	53a-23
Sec. 4	<i>October 1, 2005</i>	53a-167a(a)
Sec. 5	<i>October 1, 2005</i>	53a-167b
Sec. 6	<i>October 1, 2005</i>	53a-167c

**PS**

*Joint Favorable Subst. C/R*

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